BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 340 19 93

Bill H 571 S _____ Original bill & history ✓ C

H. Committee on Natural Res.		S. Committee on Natural Res.	
Hearing Date(s) 2-15	✓ C	Hearing Date(s) 3-26	✓ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
Date Out _____	___ C		

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

3/02	HEARING		
3/03	TABLED IN COMMITTEE		

HB 569 INTRODUCED BY RUSSELL, ET AL.

ESTABLISH PENALTY FOR VIOLATING INDIAN HIRING PREFERENCE LAWS

2/10	INTRODUCED		
2/10	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/10	FIRST READING		
2/16	HEARING		
2/16	TABLED IN COMMITTEE		

HB 570 INTRODUCED BY GRINDE, ET AL.

REQUIRE ASSESSMENT OF GOVERNMENTAL ACTION IMPACTING PRIVATE PROPERTY

2/10	INTRODUCED		
2/10	REFERRED TO JUDICIARY		
2/10	FIRST READING		
2/11	FISCAL NOTE REQUESTED		
2/15	HEARING		
2/17	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED AS AMENDED	59	40
2/22	TAKEN FROM ENGROSSING AND REREFERRED TO APPROPRIATIONS		
3/09	REVISED FISCAL NOTE REQUESTED		
3/16	REVISED FISCAL NOTE RECEIVED		
3/17	REVISED FISCAL NOTE PRINTED		
3/17	REVISED FISCAL NOTE REQUESTED		
3/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/20	REVISED FISCAL NOTE RECEIVED		
3/20	REVISED FISCAL NOTE PRINTED		
3/23	2ND READING PASSED	55	44
3/24	3RD READING PASSED	59	41
	TRANSMITTED TO SENATE		
3/26	FIRST READING		
3/26	REFERRED TO JUDICIARY		
4/06	HEARING		
4/13	TABLED IN COMMITTEE		
4/14	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	25	25

HB 571 INTRODUCED BY D. BROWN, ET AL.

ALLOW SHORT-TERM EXEMPTIONS FROM WATER QUALITY STANDARDS

2/10	INTRODUCED		
2/10	REFERRED TO NATURAL RESOURCES		
2/10	FIRST READING		
2/11	FISCAL NOTE REQUESTED		
2/15	HEARING		
2/16	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/18	COMMITTEE REPORT—BILL PASSED		
2/20	2ND READING PASSED	97	3
2/23	3RD READING PASSED	95	4
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO NATURAL RESOURCES		
3/26	HEARING		

3/27	COMMITTEE REPORT—BILL CONCURRED		
3/31	2ND READING CONCURRED	49	0
4/01	3RD READING CONCURRED	46	2
	RETURNED TO HOUSE		
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 340		
	EFFECTIVE DATE: 10/01/93		

HB 572 INTRODUCED BY GALVIN

REVISE GROSS VEHICLE WEIGHT FEE SCHEDULE

BY REQUEST OF DEPARTMENT OF TRANSPORTATION

2/10	INTRODUCED		
2/10	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/10	FIRST READING		
2/11	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/16	FISCAL NOTE PRINTED		
2/17	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED		
2/20	2ND READING PASSED	94	5
2/23	3RD READING PASSED	90	10
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/18	HEARING		
4/13	TABLED IN COMMITTEE		
4/13	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/14	2ND READING CONCURRED	31	16
4/15	3RD READING CONCURRED	33	15
	RETURNED TO HOUSE WITH AMENDMENTS		
4/16	2ND READING AMENDMENTS CONCURRED	93	6
4/19	3RD READING AMENDMENTS CONCURRED	89	10
4/23	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 571		
	EFFECTIVE DATE: 01/01/94		

HB 573 INTRODUCED BY KADAS

GENERALLY REVISE RESIDENTIAL LANDLORD AND TENANT LAWS

2/10	INTRODUCED		
2/10	REFERRED TO JUDICIARY		
2/10	FIRST READING		
2/16	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED		
2/19	2ND READING PASSED	78	19
2/22	3RD READING PASSED	77	21
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO JUDICIARY		
3/10	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED		
3/16	2ND READING CONCURRED	50	0

House BILL NO. 571

INTRODUCED BY [signatures]

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE TERM "POLLUTION"; AUTHORIZING SHORT-TERM EXEMPTIONS FROM THE WATER QUALITY STANDARDS; AND AMENDING SECTION 75-5-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-5-103, MCA, is amended to read:

"75-5-103. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104.

(2) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes, creating a hazard to human health.

(3) "Council" means the water pollution control advisory council provided for in 2-15-2107.

(4) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(5) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewage systems and treatment works.

(6) "Effluent standard" means any restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged into state waters.

(7) "Industrial waste" means any waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

(8) "Local department of health" means the staff, including health officers, employed by a county, city, city-county, or district board of health.

(9) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

(10) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a point source.

(11) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

(12) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe,

HB 571
INTRODUCED BILL

ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

(13) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of any state waters which exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or the discharge, seepage, drainage, infiltration, or flow of any liquid, gaseous, solid, radioactive, or other substance into any state water which will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A discharge, seepage, drainage, infiltration or flow which is authorized under the pollution discharge permit rules of the board is not pollution under this chapter. Activities conducted under the conditions imposed by the department in short-term authorizations pursuant to [section 2] are not considered pollution under this chapter.

(14) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

(15) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

(16) "Standard of performance" means a standard adopted by the board for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

(17) "State waters" means any body of water, irrigation system, or drainage system, either surface or underground; however, this subsection does not apply to irrigation waters where the waters are used up within the irrigation system and the waters are not returned to any other state waters.

(18) "Treatment works" means works installed for treating or holding sewage, industrial wastes, or other wastes."

NEW SECTION. **Section 2.** Short-term water authorizations -- water quality standards. The department may authorize short-term exemptions from the water quality standards or short-term use that exceeds the water quality standards for the purposes of allowing construction, emergency environmental remediation, pesticide application,

elimination of undesirable and nonnative aquatic species, and treatment of water for the protection of public health. The authorization must include conditions that minimize to the extent possible the magnitude of any standard violation and the length of time during which any standard violation may occur. The authorization conditions must maximize the protection of state waters by ensuring the maintenance of beneficial uses immediately after the term of the authorization. Authorizations issued under this section may include conditions that require water quality or quantity monitoring and reporting. In the performance of its responsibilities under this section, the department may negotiate operating agreements with other departments of state government that are intended to minimize duplication in review of activities eligible for authorizations under this section.

NEW SECTION. **Section 3.** Codification instruction. [Section 2] is intended to be codified as an integral part of Title 75, chapter 5, part 3, and the provisions of Title 75, chapter 5, part 3, apply to [section 2].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0571, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act clarifying the term "pollution" and authorizing short-term exemptions from the Water Quality Standards.

ASSUMPTIONS:
1. There will be no fiscal impact on the Department of Health and Environmental Sciences if this bill passes.

FISCAL IMPACT:
None

Dave Lewis 2-16-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Dave Brown 2/17/93
DAVE BROWN, PRIMARY SPONSOR DATE

Fiscal Note for HB0571, as introduced
HB 571

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN DICK KNOX**, on February 15, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: Rep. Feland

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

Please **Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 503, HB 448, HB 419, HB 571, HB 532, HB 512, HB 407 and HB 567
Executive Action: HB 488, HB 379 HB 395, HB 454 and HB 434

HEARING ON HB 571

Opening Statement by Sponsor:

REP. DAVE BROWN, HD 72, Butte, stated HB 571 was drafted at the

request of the Butte Water Company and will allow short term exemptions from water quality standards.

Proponents' Testimony:

Kevin Keenan, Manager, Water Quality Bureau, said HB 571 allows for environmental remediation. **EXHIBIT 1**

Jack Lynch, Chief Executive, Butte Silver-Bow, stated twenty-eight million dollars has been spent in reconstruction of the Butte water system. Adding a ruling relating to copper sulfate could add an additional ten million dollars to the cost of the rehabilitation system in Butte-Silver-Bow. The Department of Health and Environmental Sciences (DHES) endorses this bill.

Steve Huntington, Silver Bow Water, Inc., stated that without finances to treat Butte water for algae bloom, water would have to be filtered at a cost of about ten million dollars.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. BROWN said that failure to pass HB 571 will result in costs between eight and 10 million dollars.

HEARING ON HB 419

Opening Statement by Sponsor:

REP. ED GRADY, HD 47, Canyon Creek, presented HB 419, an act providing an administrative penalty for Montana Hazardous Underground Storage Tank Act violations. He presented amendments which will place a one hundred thousand dollar cap on this penalty. **EXHIBIT 2**

Proponents' Testimony:

Don Vidrine, Manager, Hazardous Waste Division, Department of Health and Environmental Sciences, (DHES), testified in support of HB 419. **EXHIBIT 3**

REP. SWANSON distributed amendments to HB 419 to clarify violations of hazardous waste management and assess administrative penalties. **EXHIBIT 4**

Opponents' Testimony: None

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2/15/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK KNOX, CHAIRMAN	✓		
REP. ROLPH TUNBY, VICE CHAIRMAN	✓		
REP. JODY BIRD	✓		
REP. VIVIAN BROOKE	✓		
REP. RUSS FAGG	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. HAL HARPER	✓		
REP. SCOTT ORR	✓		
REP. BOB RANEY	✓		
REP. DORE SCHWINDEN	✓		
REP. JAY STOVALL	✓		
REP. EMILY SWANSON	✓		
REP. HOWARD TOOLE	✓		
REP. DOUG WAGNER	✓		

HR:1993
wp.rollcall.man
CS-09

EXHIBIT 1
DATE 2-18-93
HB 571

MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES' TESTIMONY ON HB 571

"AN ACT CLARIFYING THE TERM "POLLUTION"; AUTHORIZING SHORT-TERM EXEMPTIONS FROM THE WATER QUALITY STANDARDS; AND AMENDING SECTION 75-5-103, MCA."

The department supports the passage of HB 571 because it provides clear authority for short-term authorizations which are now provided in Montana and nation-wide. Though it can be argued that authority currently exists in the general rule-making provisions of the Water Quality Act, we would prefer that the act be amended to make that authority clear and specific. Some of the short-term authorizations that would be provided for by this act include:

- *Exemptions from the turbidity standard for purpose of construction activities in or near state waters (irrigation diversions, bridges, culverts, etc.).*
- *Environmental remediation which could include removal of trucks, trains and spills of contaminants from state waters.*
- *Pesticide applications including the application of pesticides for mosquito control.*
- *Elimination of undesirable fish species by the Department of Fish Wildlife and Parks.*
- *Treatment of public water systems' water storage facilities with copper sulphate for the purpose of controlling algae blooms and the associated tastes, odors and disinfection by-product precursors.*

Kevin D. Keenan, Manager
Enforcement and Legal Support, WQB, DHES

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. 571

DATE 2/15/93 SPONSOR(S) DAVE BROWN

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DAVE BROWN	SPONSOR-HD #72	X	
Stan Bradshaw	MTU	✓	
Mike Lyda	Butte-Silver Bow	✓	
Jack Lynch	Butte-Silver Bow	✓	
Jim Tohill	B-H-S.B.	✓	
Stan Hunthausen	Silver Bow Watershed	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0448	ORR, SCOTT 3/01	3/26	REQUIRING A SEWAGE LAGOON TO BE SITED NOT LESS THAN 500FT FROM A WATER WELL	CONCUR 3/26		3/27
HB0454	VOGEL, RANDY 2/22	3/17	AN ACT AMENDING THE MEGALANDFILL SITING ACT	CONCUR 3/29		3/30
HB0488	BRANDEWIE, RAY 3/01	3/22	ESTABLISHING A SALVAGE TIMBER PROGRAM	CONCUR 3/23		3/24
HB0503	REAM, BOB 3/01	3/22	AMEND THE DEFINITION OF TIMBER SALE IN THE SMZ ACT	CONCUR 3/23		3/24
HB0512	GILBERT, BOB 3/01	3/24	FINANCIAL INCENTIVE FOR INSTALLATION OF DOUBLE-WALLED PETROLEUM TANKS	CONCUR 3/26		3/27
HB0532	TUNBY, ROLPH 3/01	3/12	PROVIDE EXCEPTIONS TO THE MORATORIUM ON IMPORTATION OF SOLID WASTE	CONCUR 3/26		3/27
HB0567	FOSTER, MIKE 3/01	3/17	COMMERCIAL MEDICAL AND HAZARDOUS WASTE INCINERATOR PERMITTING	CONCUR AS AMENDED 3/29		3/30
HB0571	BROWN, DAVE 3/01	3/26	ALLOWING SHORT-TERM EXEMPTIONS FROM THE WATER QUALITY STANDARDS	CONCUR 3/26		3/27
HB0592	GRIMES, DUANE 3/20	3/26	HAZARDOUS WASTE MANAGEMENT PERMIT FEES	CONCUR 3/27		3/29
HB0599	GRIMES, DUANE 3/01	3/24	CLARIFY WHEN DEPT OF STATE LANDS MAY NOT PREPARE EIS FOR AN OPERATING PERMIT 3/26	TABLED ON 03/27		
HJ0011	DAILY, FRITZ 2/22	3/15	SUPPORT FOR NEWTTEC IN BUTTE	CONCUR 3/17		3/19
HJ0020	KNOX, DICK 3/01	3/15	JOINT RESOLUTION SUPPORTING THE CLEANUP OF THE BERKELEY PIT	CONCUR 3/17		3/19

three of the bills are somewhat consistent.

Closing by Sponsor:

Representative Grady closed by saying there did not seem to be any resistance to this bill in the House, and he agreed that there should be some consistency in these bills in regard to the appeal process. He said he had no objection to that being amended into his bill.

HEARING ON HOUSE BILL 571

Opening Statement by Sponsor:

Representative Dave Brown, House District 72, Butte, Silver Bow, said he was appearing on behalf of all those representing Butte, Silver Bow. He handed in written testimony (Exhibit #4).

Proponents' Testimony:

Dan Fraser, chief, DHES Water Quality Bureau, spoke in support of House Bill 571 and handed in written testimony (Exhibit #5).

John Sesso, planning director, Butte-Silver Bow County, and representing the county's Public Works Water Utility Division, said the county has been using copper sulfate and citric acid in small doses to treat algae blooms in July and August of each year. The Division needs to continue to treat the blooms and appealed to DHES for the opportunity to do so. He believed this was the best, most cost-effective way to control the algae bloom, which if gone unchecked, would lead to deterioration of water quality and lead to problems in complying with the consent decree they are presently operating under.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Keating asked if this use of copper sulfate and citric acid is a form of degradation to pristine waters and Mr. Fraser said it is. This issue was discussed in the nondegradation subcommittee and is one of those operations that, under Department rules, is deemed to be nonsignificant.

Senator Keating asked if DHES takes steps to make sure that blending doesn't exceed the standards. He asked if this was

scattered over the top of the water rather than pouring it in at one end. Mr. Fraser said in most activities standards have to be violated in order to achieve the ends of water quality.

Senator Keating said if SB 401 were passed the way it is supposed to be, HB 571 would not be needed. Mr. Fraser said he believed the bill would still be needed because DHES needs the ability to give an exemption from the standards without going through the whole review process.

Senator Weeding asked if the copper sulfate-citric acid solution was what they [illegible]. Mr. Fraser said no, these are algaecides. They are specifically used to kill the algae fungus.

Senator Swysgood asked if it would be possible to violate standards without mixing zones. Mr. Fraser said the mixing zone issue is really an issue with permitted discharges. Standards are being violated, but there really isn't a mixing zone and it is not an issue.

Closing by Sponsor:

Representative Brown closed by saying he appreciated the questions asked and said if this bill is passed, Senator Jacobson would be willing to carry the bill.

HEARING ON HOUSE BILL 448

Opening Statement by Sponsor:

Representative Scott Orr, House District 2, Libby, said House Bill 448 would prohibit the construction of a sewage lagoon within 500 feet of an existing well. DHES currently has administrative rules that require sewage lagoons be located at least 1300 feet away from wells or structures, mainly for odor concerns. The Department has granted variances lower than 500 feet, but they are comfortable in not going lower than that. This applies only to new construction of a sewage lagoon, not to an existing lagoon, or to a septic system that has a drain field or a dry well.

Proponents' Testimony:

Steve Mandeville, Legislative Chairman for the Montana Association of Realtors, handed out a sketch (Exhibit #6) giving the size of a lagoon and assured the Committee this barred putting a lagoon within 500 feet of an existing well but did not bar putting a well next to an existing lagoon. He pointed out the size of the lagoon plus the distance to an existing well will take 25 acres and makes the land in between useless.

EXECUTIVE ACTION ON HOUSE BILL 448

Motion/Vote:

Senator Swift moved House Bill 448 BE CONCURRED IN. The motion CARRIED. Senator Grosfield agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 571

Discussion:

Senator McClernan moved House Bill 571 BE CONCURRED IN. The motion CARRIED. Senator Jacobson will carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 423

Motion/Vote:

Senator Weeding moved House Bill 423 BE CONCURRED IN. Motion CARRIED. Senator Weeding agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 512

Motion/Vote:

Senator Weldon moved House Bill 512 BE CONCURRED IN. Motion CARRIED. Senator Weldon agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HB 532

Motion/Vote:

Senator Weeding moved House Bill 532 BE CONCURRED IN. Motion CARRIED. Senator Bruski-Maus will carry the bill on the floor.

DISCUSSION ON HB 442

Chair Bianchi said Jim Jensen had been asked to get together with Gary Langley and bring some suggestions back to the Committee for amendments to HB 442. Dennis Olson, Northern Plains Resource Council (NPRC) discussed Mr. Jensen's efforts to draft amendments acceptable to Mr. Langley. Mr. Sihler said this bill has a conflict with SB 320 and needs amendments. The Committee decided to postpone action on HB 442.

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 3-26-93
BILL NO. 571

REPRESENTATIVE DAVE BROWN
HOUSE DISTRICT 72
HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620
HOME ADDRESS:
3040 OTTAWA
BUTTE, MONTANA 59701
(406) 782-3604
FAX (406) 782-7881

COMMITTEES:
JUDICIARY
LOCAL GOVERNMENT
RULES

TESTIMONY

TO: Senate Natural Resources Committee
Senator Don Bianchi (Belgrade), Chair

FROM: Representative Dave Brown, District 72

DATE: March 26, 1993 (3pm)

RE: Support for HB 571

On behalf of all co-sponsors of HB 571 and my fellow members of the Butte-Silver Bow legislative delegation, I appear before you in support of HB 571 and ask for the support and endorsement from the Senate Natural Resources Committee.

The main purpose of HB 571 is to allow the Department of Health and Environmental Sciences to authorize short-term exemptions from the water quality standards. The Committee should be assured that such exemptions may only be granted under specific conditions, for example, as stated in Section 2, during construction of a water treatment facility or during an emergency environmental remediation activity.

In Butte-Silver Bow county, a short-term exemption is needed each year to eliminate undesirable and nonactive aquatic species from our Basin Creek Reservoir. This reservoir is one of the major water sources for the City of Butte. The reservoir impounds the waters of Basin Creek and provides water of such high quality that filtration is unnecessary. Safeguarding the purity of Basin Creek water is a top priority for the Butte-Silver Bow Water Utility Division, particularly since deterioration of the water quality would necessitate the construction of an $8 million filtration plant.

ATE NATURAL RESOURCES
HIBIT NO. 5
ATE 3-26-93
BILL NO SB 571

MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES' TESTIMONY ON HB 571

"AN ACT CLARIFYING THE TERM "POLLUTION"; AUTHORIZING SHORT-TERM EXEMPTIONS FROM THE WATER QUALITY STANDARDS; AND AMENDING SECTION 75-5-103, MCA."

The department supports the passage of HB 571 because it provides clear authority for short-term authorizations which are now provided in Montana and nation-wide. Though it can be argued that authority currently exists in the general rule-making provisions of the Water Quality Act, we would prefer that the act be amended to make that authority clear and specific. Some of the short-term authorizations that would be provided for by this act include:

- *Exemptions from the turbidity standard for purpose of construction activities in or near state waters (irrigation diversions, bridges, culverts, etc.).*
- *Environmental remediation which could include removal of trucks, trains and spills of contaminants from state waters.*
- *Pesticide applications including the application of pesticides for mosquito control.*
- *Elimination of undesirable fish species by the Department of Fish Wildlife and Parks.*
- *Treatment of public water systems' water storage facilities with copper sulphate for the purpose of controlling algae blooms and the associated tastes, odors and disinfection by-product precursors.*

Dan L. Fraser, P.E., Chief
WQB, DHES

DATE 3-26-93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: HB 374, HB 419, HB 448
HB 571, HB 592

Name	Representing	Bill No.	Check One: Support	Oppose
Don Vidrine	DHES	419 592	✓	
Pete Story	myself	448	✓	
David Koss	Mt. Audubon Legislative Fund	374	✓	
Clay Landry	Montana Trout Unlim.	374	✓	
Jon Sesso	Butte-Silver Bow	571	✓	
David Koss	Mt. Audubon Legislative Fund	419	✓	
David Koss	" " " "	592	✓	
Les Berry	BWPR	374	✓	
"	"	419	✓	
Carol Lane	DHES	374 & 571	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

SENATE STANDING COMMITTEE REPORT

March 26, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 571 (third reading copy -- blue), respectfully report that House Bill No. 571 be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair

Amd. Coord.
Sec. of Senate

Jacobson
Senator Carrying Bill

681723SC.Sma

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 3/26/93

NAME	PRESENT	ABSENT	EXCUSED
Bianchi	✓		
Hockett	✓		
Bartlett	✓		
Doherty	✓		
Grosfield	✓		
Keating	✓		
Kennedy	✓		
McClernan	✓		
Swift	✓		
Swysgood	✓		
Tveit	✓		
Weeding	✓		
Weldon	✓		

FC8

Attach to each day's minutes